

**Staff Responses to
Coalition of Asheville Neighborhoods (CAN)
UDO Enforcement Recommendations
June 8, 2006**

Enforcement Solutions

1. Clear direction from City Manager and Council that enforcement is a priority. **Agreed. The most consistent enforcement possible with the allocated resources is a priority. For indicators of the current priority on enforcement, please see Attachment A for excerpts from the Recommended 2006-07 Budget document for the departmental goals, financial commitments and performance measures for Planning, Building Safety and Fire Departments respectively.**
2. Establish a mechanism enabling planning staff to acknowledge mistakes and a system for correcting them in a timely manner. If Staff is overburdened, Council should assist in getting the proper manpower to ensure the proper application of the zoning law. **Opportunities for performance improvement have been identified, including the introduction of a Neighborhood Coordinator position (Attachment B) and staffing enhancements for the Planning Department (Attachment C).**
3. Create an affordable appeal process; decrease the cost of filing a Board of Adjustment (BOA) appeal and increase the appeal time (it's currently \$500/30 days). We need at 90-180 days for a discovery period. If Council and Staff believe that BOA is not the place for appeal, a method of public review must be created or reviewed by Council. **Policy issue. Staff recently reviewed the legal framework and BOA process with the Planning and Economic Development Committee of Council.**
4. One-step code enforcement and one-stop information; one person (ombudsman) who would connect an aggrieved party with the appropriate department(s) in resolving a problem (ex. In illegal dump case, a miscommunication between engineering and planning led to a long delay in resolution). **Please see Attachment B for the staff analysis of alternatives and recommendation.**
5. Enforce and/or fine Target for the turn lane and Prudential for illegal sign. Staff has found both non-compliant and these matters should not linger on. **As efforts to achieve the desired outcomes, additional contacts have been made with representatives of Target and Prudential Realty.**
6. Increase fees if not cost effective as a deterrent (e.g. fine is less than enforcement cost); Council policy decision. **A fine study is underway to compare Asheville fines and enforcement methods with those of comparable cities. Council may act upon review of the policy alternatives reported.**
7. Rescind/confirm the Oast/Hogan letter to Thompson. Text in the letter contradicts requirements of the UDO that can only be circumvented by Council or the Board of Adjustment. Council needs to weigh in to acknowledge that Staff has exceeded their authority and either confirm approval of Staff's actions or rescind Staff's actions. **Although the content of the response from the City Attorney was reviewed previously with Council, it may be reevaluated, particularly upon receipt of any new, meaningful information.**

Communication Solutions

1. Simplify UDO without eliminating the heart of our ordinances;
 - a. Put the UDO on the City's webpage as a pdf in a format that is clearer than the MuniCode-required format that is online. **Agreed. We plan to do this along with the code revisions resulting from the pending process for future policy direction.**
 - b. Utilize simple graphic tools such as graphics and charts to communicate information and where possible, seek to use a chart to eliminate redundancy (ie: create a "use table" for all of the districts. This could eliminate 19 pages without losing any text.) **Agreed. Concerted efforts to streamline the code are recommended as part of the pending process of code revision.**
2. UDO requirements shall take precedence over tradition. If there is a tradition that needs to be part of our UDO to further its goals, staff shall bring forward proper ordinances to mature the UDO. **Agreed. Practices and policies should be aligned.**

3. Add definitions to the definition section to remove interpretations. These can be adopted from the "Planner's Dictionary" which is available at the APA bookstore. (eg: lack of definition for principal structure which led to the Walgreen's debate) **Definitions that have particular "local" meaning different from common planning terminology are worth considering.**
4. Fix the Landscape Buffer chart to that the columns align or explain why the columns don't align, one or the other. **Agreed. We are working with the Tree Commission to modify/update our landscape standards and will correct at that time.**
5. 50% Rule for Landscape and Buffer Compliance – define duration for accumulation of costs and if more than one building under PIN define how building values determined. (50% = renovation cost / building value); **Under review by the Tree Commission. We will also seek direction from the Planning and Zoning Commission if a broader application of the "50% rule" is desired (i.e., beyond the provisions in Article XI and floodplain situations).**
6. Ombudsman – a staff person who acts as a liaison between public and staff when a development issue come up. **A Neighborhood Coordinator is recommended for processing requests for information and referral.**
7. Publish Planning Department's administrative decisions on a weekly basis. **Additional communication is desirable, possibly from by a Neighborhood Coordinator.**
8. Regularly publish a history of fines collected (quarterly or yearly). **This will be considered in the fine study covered in #6 under Enforcement above.**

Process Solutions

1. Publish rules for all boards; **Agreed.**
2. Record and publish rules for all boards; **Agreed.**
3. Record and publish all ordinances; **Agreed.**
4. Record and publish all Board minutes and findings for every board. This would include boards such as the Noise Board. **Agreed.**
5. P&Z must verify that plans submitted for building permits match zoning approval plans. If the plans do not match, the developer must resubmit for zoning approval. **Clarification requested: Is this the Planning and Zoning Commission or the Planning and Development Department?**
6. Record "conditions" of approval and publish list on webpage. The list should be double checked against submitted plans and approved by P&Z staff. Additionally, the developer should have to submit verification letters for each condition as they accomplish them in construction prior to receiving a Certificate of Occupancy (CO). Any developer found in non-compliance should have time to remediate or seek relief at Council before a CO can be issued. **We will pursue as part of our web-based development listing effort.**
7. Staff safety; there should be a process for a staff member to call out a problem without fear of retribution from superiors. Often times a lower level Staff member may identify a problem but their voice gets lost in the process. That Staff member should be able to identify the problem to help correct the situation before it becomes a problem. **There is frequent staff debate about issues; when consensus is unable to be reached, the department director makes the decision. "Whistleblowers" are free to go above the department director, as necessary, for resolution without fear of retribution.**
8. "Left & Right"/ Council arbitration; an option for an independent mediation if an issue would otherwise go to a far-left or far-right leaning council; the review of the complaint should not be slanted pro-developer or pro-resident. It should be a pure public review of factual evidence submitted by the person bringing the complaint and the developer in order to ensure predictability and eliminate excessive review because of political swings. **See Enforcement Solutions #3.**
9. Council should hear matters of citizen appeal in a full discussion in a format that allows for the citizen, developer, and the staff to present their sides independently in a hearing/fact-finding format with a clear decision. If the developer or a citizen has issues with Staff interpretation/enforcement, the matter should not be returned to Staff, as this will create more frustration and bog staff down. There are clear matters of interpretation for the Board of Adjustment for developers, though there is no apparent process for a citizen complaint. **See Enforcement Solutions #3.**

10. If citizens are not able to petition decisions of zoning approval before the Board of Adjustment, a clear avenue for petition must be at Council. If Council is unwilling to hear the petition, a body must be created to have affective interaction with government. If a Board is created, it should be composed of 3 people from the construction professionals (architecture, landscape architecture, planning, real estate law, development) as well as a business owner and a resident. A solution must be presented ASAP. **See Enforcement Solutions #3.**

Training Solutions

1. Planning philosophy for citizens and staff
 - a. CAN requests training on the City's vision of Planning Principles in order to be on the same page with the Planning Department and to help be an ambassador for the planning philosophy of the City. **Agreed. Planning and Development staff is available for presentations on Smart Growth/planning issues to professional and service organizations, and is happy to work with the CAN organization.**
2. Professional training:
 - a. Staff should conduct regular (quarterly?) workshops for area professionals. Afterall, the duty to comply with the UDO lay in the hands of professionals practicing their trade, and not solely with our City Staff. **Agreed. Planning and Development staff is available for this training. We also conduct some level of public education in each of our quarterly development forum meetings. We will schedule more "outreach" type training with impacted professions after learning Council and public desires concerning changes to the UDO.**
3. Conduct guidelines for all boards should be clear for Board members as well as citizens;
 - a. Citizen input and testimony at Planning Boards should be germane to planning issues, and Board member comment should promote growth principles as well. **Council carefully considers qualifications and diversity in the appointment process.**
 - b. Board of Adjustment needs to understand that testimony solely from attorneys does not constitute substantive evidence when testimony from accredited professionals is entered into evidence. Only professional testimony can be in comparison with professional testimony. **The BOA is a quasi-judicial body that upon appointment operates independently in accordance with state statute.**
 - c. CAN volunteers to hold citizen workshops to communicate effective process. **This would be a positive role.**
4. Ensure that city staff know that they should not grant variances outside their jurisdictional authority, if they do so willingly, that matter must be brought before the City Council and addressed/acknowledged publicly; **Agreed. It is the policy of the City of Asheville that employees conduct themselves in accordance with the highest ethical standards. Please see the attached Mission Statement and Core Values (Attachment D).**
5. Training to improve customer care: The needs of the resident/citizen are of equal weight as the development community, not lesser. Empathy for situations does not constitute attention to a situation. Action and clear, forthright information does. There should be zero tolerance for any Staff member that is found to be deliberately misleading with information, **Agreed. That City staff operates with professionalism and personal integrity is a core value required of every employee. Unethical behavior is a form of inappropriate personal conduct and, as such, is subject to disciplinary action, up to and including dismissal. Please see the attached City of Asheville Administrative Policies (E).**

BUILDING SAFETY

Robert Griffin, Director

MISSION: The mission of the Asheville Building Safety Department is to protect lives, health, and property in Asheville, and to support economic development by providing building and development permitting services and enforcing the North Carolina State Building Code, Asheville's Minimum Housing Code, and related environmental codes.

DEPARTMENT SUMMARY

	2003-04	2004-05	2005-06	2006-07
	Actual	Actual	Budget	Proposed
Expenditures:				
Salaries & Wages	1,227,300	1,339,190	1,352,086	1,526,206
Fringe Benefits	382,124	379,641	395,722	427,392
Operating Costs	148,433	176,899	191,562	187,627
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,500</u>
Total	1,757,857	1,895,730	1,939,370	2,150,725
FTE Positions	30.00	32.00	32.00	36.00
Revenues:				
Licenses & Permits	1,761,032	1,600,009	1,748,100	1,953,894
Charges for Service	<u>24,797</u>	<u>25,921</u>	<u>27,065</u>	<u>11,000</u>
Subtotal	1,785,829	1,625,930	1,775,165	1,964,894
General Revenue Support	-27,972	269,800	164,205	185,831
Total	1,757,857	1,895,730	1,939,370	2,150,725

BUDGET HIGHLIGHTS

- The Building Safety budget includes 4 new FTE positions that will assist with the additional workload associated with extending development review services into the ETJ. The cost of these new positions will be more than offset by the additional license & permit revenue that will be generated from the ETJ.

BUILDING SAFETY

DIVISION SUMMARY	2003-04 Actual	2004-05 Actual	2005-06 Budget	2006-07 Proposed
<u>Permitting & Inspections</u>	1,757,857	1,895,730	1,939,370	2,150,725
FTE Positions	30.00	32.00	32.00	36.00

The purpose of the Permitting and Inspections Division is to provide for a One Stop Permit Center, the enforcement of the State Building Code, City Housing Code and related environmental/safety codes. The division processes permits, conducts plan reviews, and inspects structures under renovation, construction, or change of occupancy. Upon the completion of final inspections, either certificates of occupancy confirming compliance with the State Codes, or Housing Certificates confirming compliance with the local Housing Code are issued.

DEPARTMENTAL GOALS

- Provide effective and timely NC State Building Code enforcement services through the inspection of remodels, rehabilitation, repairs, and new construction.
- Provide effective and timely plan review services through the review of plans submitted for permitting prior to the start of remodels, rehabilitation, repairs, and new construction.
- Ensure the continued safety and integrity of existing housing stock through inspection of existing residential housing units in accordance with the Asheville Minimum Housing Code.
- Provide a one-stop development and permit information center to assist the public in the permitting and approval of all development and construction projects.
- Fund building and code enforcement activities through user fees and charges for building permits, inspections, and plan reviews.
- Provide consistent code enforcement across the department and educate contractors and designers on code changes and issues.
- Provide fee rebates to support construction of affordable housing.

KEY PERFORMANCE OBJECTIVES & MEASURES

	2004/05 <u>Actual</u>	2005/06 <u>Estimate</u>	2006/07 <u>Target</u>
• Complete 100% of inspections within 24 hours of request	95%	96%	100%
• Reduce inspection disapprovals to 10% of completed inspections	12%	12%	10%
• Average 12 inspections per day per inspector enforcing State Codes	15	15	12

BUILDING SAFETY

KEY PERFORMANCE OBJECTIVES & MEASURES (Cont.)

	<u>2004/05 Actual</u>	<u>2005/06 Estimate</u>	<u>2006/07 Target</u>
• Complete initial reviews of:			
<i>Residential plans within 5 days</i>	15	15	5
<i>Small commercial plans within 5 days</i>	20	15	5
<i>Large commercial plans within 15 days</i>	30	25	15
• Eliminate substandard structures in the City through demolition	10	10	10
• Maximize the percentage of operating costs recovered through departmentally-generated revenue	101%	84%	85%
• Fee recovery for State code enforcement only	98%	95%	95%
• Complete application processing in Development Services Center within 1 working day	3	2	1
• Maintain the average cost per inspection of the Building Codes (State average: \$47)	\$46	\$46	\$46
• Hours spent on plan approvals that utilized the express approval program	87	67	75
• Deliver 12 education sessions for contractors and designers on 2006 Building Codes	N/A	12	14

PLANNING & DEVELOPMENT

DIVISION SUMMARY	2003-04 Actual	2004-05 Actual	2005-06 Budget	2006-07 Proposed
<u>Planning Services</u>	1,013,021	1,172,050	1,208,876	1,370,151
FTE Positions	16.00	18.00	21.00	21.00

The Planning Services Division conducts current and long-range planning. Planners are responsible for reviewing plans for development and redevelopment in the City's jurisdiction to ensure conformance with sound planning principles and city regulations; and revising the city development guidelines as necessary. This division is also responsible for all comprehensive and small area plans and related matters. This division provides assistance to the Planning and Zoning Commission, the Board of Adjustment, the River District Design Review Board, and the Technical Review Committee. The primary focus of the code enforcement section is to enforce City of Asheville's codes, policies, & procedures which relate to land development. These activities include flood plain, zoning, sign and other ordinances. This division is also involved in enforcement of the junked car ordinance and the noise ordinance.

<u>City Development</u>	251,043	238,847	4,820	0
FTE Positions	4.00	4.00	0.00	0.00

The City Development Division has been merged with the Economic Development division in the General Administration department.

<u>Historic Resources</u>	78,751	72,717	74,892	78,734
FTE Positions	1.00	1.00	1.00	1.00

The Historic Resources Division provides assistance to the Historic Resources Commission in its efforts to protect and preserve the architectural history of Asheville.

DEPARTMENTAL GOALS

- Improve the quality of life in Asheville by working with citizens and developers to identify guidelines for growth and establish appropriate standards for development.
- Preserve and enhance the natural resources, built environment, and overall character of the City of Asheville while accommodating new growth and development.
- Provide timely and accurate review and permitting for land development.
- Provide thorough, efficient, and timely code enforcement services and assistance.
- Promote a range of housing options for residents of Asheville by providing opportunities for the development of different housing types and by improving the economic climate through community development activities.
- Encourage sustainable development and promote redevelopment in accordance with the Asheville City 2025 Development Plan, City Council's Strategic Operating Plan, and adopted "smart growth" policies.

PLANNING & DEVELOPMENT

KEY PERFORMANCE OBJECTIVES & MEASURES

	<u>2004/05</u> <u>Actual</u>	<u>2005/06</u> <u>Estimate</u>	<u>2006/07</u> <u>Target</u>
• Encourage the appropriate renovation of properties within local historic districts by reviewing 90% of requests for Certificates of Appropriateness within 5 working days	100%	100%	100%
• Process 100% of permit reviews, including Level I site plans, within 5 days	100%	100%	100%
• Perform initial inspection on 100% of all zoning complaints within 10 days	100%	100%	100%
• Resolve (abate) at least 90% of all code enforcement cases handled	100%	100%	100%
• Review all requests for sign permits within 10 days	100%	100%	100%
• Permits and Applications - Zoning permits issued (calendar year)	1046	1191	1300
• Level I	281	330	350
• Level II	11	17	20
• Level III and CUP	15	21	22
• Conditional Use Rezoning/Conditional Zoning	14	23	26
• Rezoning	23	22	20

FIRE & RESCUE

DEPARTMENTAL GOALS

The Fire and Rescue Department has established a formal Strategic Operating Plan (SOP), consistent with the City SOP and approved by City Council. The SOP focuses on continuous improvement and development of people, infrastructure, and services. A representative sampling of goals related to performance measurement includes:

- Reduce total citizen response time of emergency forces to the greatest extent practicable.
- Continuously improve quality of delivery of all fire and rescue services.
- Reduce fire loss through effective delivery of fire code enforcement services.
- Reduce fire loss through effective fire attack on the part of first-alarm firefighting resources.

KEY PERFORMANCE OBJECTIVES & MEASURES

	<i>2004/05 Actual</i>	<i>2005/06 Estimate</i>	<i>2006/07 Target</i>
• Fire emergency responses per 1,000 population	9	10	10
• Medical emergency responses per 1,000 population	87	89	89
• Average turn out and travel time to priority 1 calls in minutes	4.5	4.5	4.4
• Cost per Fire and Rescue Department response	\$989	\$985	\$983
• Percent of fires for which cause is determined	88%	90%	90%
• Fire inspections completed per 1,000 population	79	82	84
• Percent of fire code violations cleared within 90 days	90%	90%	95%
• Percent of fires confined to room(s) involved upon arrival	88%	90%	92%

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B



Memorandum

To: Planning and Economic Development Committee

From: Lauren Bradley, Public Information Officer
Scott Shuford, AICP, Planning and Development Director

Date: May 10, 2004

Subject: Options for Appealing Staff Decisions

CC: Gary Jackson, City Manager
Bob Oast, City Attorney
Jeff Richardson, Assistant City Manager

The following evaluation has been prepared to provide options for Committee consideration about ways to make staff decision-making more open and accessible to the public. A description of the current process and a staff recommendation are provided as well.

Options for appealing staff decisions

Current situation

The City of Asheville utilizes a legally-mandated, standard process for appeals of staff decisions or UDO interpretations. The process involves applying to the Board of Adjustment using a standard form and payment of a fee. Appeals may be taken by "any person aggrieved" by the decision or interpretation. This clearly includes the owner(s) of the property affected by the action in question. Whether someone who is not an owner of the affected property can appeal depends on whether he or she is "aggrieved" within the meaning of the law, a situation that can vary depending on the particular facts.

Appeals may also be taken by "an officer, department, board, or bureau of the city." Though Asheville has little experience with this, there is apparently no requirement that appeals of this type involve someone who is legally "aggrieved."*

The Board of Adjustment (BOA) hears from appellants in a quasi-judicial public hearing forum with sworn testimony and limits on *ex parte* communication.

There have been concerns about the accessibility of this process is since there are legal precedents and strictures on the appeal process that create timeliness and aggrieved party limitations. Since most appeals involve actions by staff in issuing development permits, these limitations are necessary to properly balance the rights of citizens and the rights of a property owner or permit holder to act in reliance on decisions of staff.

Additionally, consistent with general legal principles, the BOA appeal process operates under an institutional deference to staff decisions. If the decision is considered reasonable, even if there are other equally-reasonable or perhaps more-reasonable interpretations, the BOA is supposed to uphold the staff decision. This is further borne out in the voting

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process; as with variances, the BOA vote must be a supermajority (4 or more out of 5 members) to overturn a staff decision under appeal. This is a statutory requirement.

The following options are proposed to provide Council with possible additional measures to handle citizen concerns about appeals.

Staff query option

This approach is to simply request a written response as to why a staff decision or interpretation was made in a particular way. This process can be formalized through Council policy or through City Code provisions to ensure timely and complete answers by staff. It can be further formalized through an application process (and possibly a fee), with the results shared with the City Manager, City Council, Council committee, BOA, Planning and Zoning Commission, or other designated City board or position. The designated board or position dissatisfied with or having questions about the written response could question the staff member(s) at one of their meetings. An evaluation summary of this option is provided below.

- Provides a relatively simple, easy to understand process
- Does not require legal or technical representation for someone to make an appeal
- If formalized as suggested above, this process provides a higher level of public accountability than simple correspondence
- Does not involve a "threat" to an issued permit so property rights are not involved, thereby reducing or eliminating the timeliness and aggrieved party issues
- Does not give the appellant an opportunity to "make their case" beyond the request/application (although an opportunity could be afforded for questioning the appellant in a formal process at a board meeting)
- No special legislation is required
- Offers staff an opportunity to present the rationale for the decision
- Would not typically result in overturning a prior decision but may affect or provide direction for future decisions
- Has potential for overuse/abuse of staff or board resources unless there is an application/fee threshold to cross

Board of Adjustment option

This approach continues to use the BOA as the focal point for appeals. One idea includes revising BOA procedures for timeliness. Another involves the use of the "board or officer" appeal option discussed in paragraph 3 (*) above. As to broadening what constitutes an "aggrieved party," that concept has been developed through a considerable amount of case law and it is unlikely an ordinance broadening the scope of that definition would be upheld.

There are practical and legal problems with modifying a "standard" process to fit local conditions. A long appeal period may create concerns about the City's willingness to respect its own permitting process; developers having to wait 60 or more days to find out whether their permit is final may have justifiable fairness concerns that could lead to undesirable legal consequences for the City or rejection of the City as a place to do business by the development community. Additionally, because it functions largely as a separate body of local government (the "judicial branch") in performance of its quasi-judicial duties, the BOA is virtually independent of influence by the legislative body (City Council) and may have to agree to these adjustments.

Another possibility under this option is to authorize the BOA to perform interpretations, rather than staff or, alternately, have the board review any staff interpretations. The difficulties with this approach are threefold. First, who would determine what constitutes an interpretation? For example, staff may not consider a decision using clear code language as an "interpretation," and may not forward it to the BOA, while some citizens may disagree. Second, too broad a perspective on what constitutes an interpretation could result in significant permitting delays and movement of the BOA's function from a quasi-judicial body to a fully independent development review agency. Third, there is no clear statutory authority for the BOA to perform this function, so special legislation may be needed.

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Since the BOA is the most independent of all City boards, accountable only to the Council and County Commission through the appointment process, this approach has the potential to dramatically increase the Board's already considerable power. It removes the responsibility for interpreting the code from the professional staff, people who are directly accountable to the City Council through the City Manager. Finally, it blurs the "separation of powers" concept by permitting the BOA to perform both executive and legislative functions.

An evaluation summary of this option is provided below.

- Uses an existing board having expertise in development issues
- Legal and practical concerns about modifying a process standardized by both statute and case law to fit local conditions
- BOA may or may not support suggested changes to procedures
- BOA power is potentially increased dramatically depending on selected alternative
- Special legislation may be required
- Focus remains on particular development proposals, not general applications, increasing the stakes and therefore the likelihood of legal challenge
- Timeliness and other concerns about interpretations involving development permitting
- Who determines what constitutes an "interpretation"?

Neighborhood coordinator option

Many communities have some type of formal interaction with neighborhoods through a neighborhood coordinator position or office. Information about this approach is more fully described in the attached material but it basically involves creation of a single point of contact for neighborhood concerns and assistance. Frequently, the position/office assists in the organization of neighborhood associations, facilitates neighborhood-developer meetings, manages community-oriented government programs, and performs similar duties. The position/office may be directly under the city manager as part of the administration, be a separate department, or be housed in another city department, typically either the planning or community development department. This position could qualify as an "officer" authorized to appeal decisions to the BOA. An evaluation summary of this option is provided below.

- Successful models for this approach exist in NC and across the country
- There is the potential for politicization of the position/office if neighborhood advocacy results in independent power separate from city administration; this would be especially true if there was independent power to appeal decisions
- Single point of contact provides significant customer service advantages
- Neighborhood empowerment may result in less citizen dissatisfaction
- Staff coordination is facilitated, allowing resources to be spent more effectively and with greater customer satisfaction
- The position/office (and where the position/office is placed in the organization) provides a perception of objectivity and fairness for neighborhood groups
- There may be concerns by other groups that their interests are being slighted by the creation of this position/office
- If the position is authorized to appeal decisions to the BOA, he or she would have to live in the City or ETJ as a condition of employment

Recommendation

Depending on Council's budget priorities, create a full- or part-time neighborhood coordinator position in the City Manager's office and develop a formal staff query program using a focus group process. This combination would provide the objective, customer service and formal accountability for staff decision-making while not customizing standard BOA procedures. We do not recommend that the position have independent ability to appeal decisions, although the

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coordinator would be free to ask the City Manager to receive direction from Council for particular cases if he or she felt it was warranted. A proposed job description for the Neighborhood Coordinator position is attached.

The neighborhood coordinator job description is based on research conducted on similar positions in municipal governments across North Carolina. It is not an uncommon practice for cities to have either a part-time or full-time position dedicated to coordinating neighborhood services. However, the specific job duties and focus associated with these positions are customized based on each community's unique needs. The proposed description is modeled after positions created by Hickory, NC and Concord, NC, where both cities developed a staff position to proactively manage neighborhood communications, information requests and general neighborhood liaison responsibilities.

Other cities assign such operational responsibilities as zoning enforcement (junked vehicles, etc.), animal control and parking enforcement to neighborhood services coordinators. However, based on Asheville's needs, staff recommends that these duties remain with the departments in which they are currently managed. Instead, the neighborhood coordinator would help connect citizens with the appropriate staff for these types of requests when necessary.

Attachment: Neighborhood Coordinator Job Description

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NEIGHBORHOOD COORDINATOR

General Statement of Duties

Serves as a liaison between the City of Asheville and neighborhoods, which requires the exercise of independent judgment, application of technical skills, and detailed knowledge of the activities and procedures specific to city government services, planning and development, customer service and conflict resolution.

Responsibilities include initiating and maintaining partnerships and effective communications with various neighborhood groups and associations; serves as a link between neighborhood organizations and city departments with a focus on public safety, development activities, public infrastructure, and other key areas of neighborhood interest; and coordinates department liaisons with neighborhood representatives to address service needs.

Distinguishing Features

This position is responsible for duties related to executive administration, special projects, community outreach and customer service. The candidate must exercise a high degree of professionalism in carrying out his/her work.

ESSENTIAL FUNCTIONS

- Develop communication network with neighborhood associations to regularly share information about city services, events, current issues and development projects.
- Inform other departments and the general public of neighborhood activities through news releases, newsletters, interviews, and presentations to City Council; ensure that communication efforts are consistent with the City's overall communication plan.
- Proactively communicate information on development projects and other significant city services and events; serve as staff liaison and information point throughout development process.
- Collect and report citizen input on proposed public improvement projects within neighborhoods.
- Organize and facilitate neighborhood-developer meetings prior to and throughout development projects when applicable.
- Receive, respond to and facilitate resolution to customer service requests and complaints; assist with mediating conflicts and complaints.
- Assist with developing neighborhood plans by facilitating evaluations and prioritizing neighborhood needs; develop and conduct surveys to determine neighborhood planning needs; coordinate implementation of plans with other departments; monitor and periodically report on progress of accepted neighborhood plans.
- Prepare maps, charts, and graphic presentations; present reports and studies pertaining to neighborhoods; research, gather, and tabulate information as needed.
- Coordinate City of Asheville neighborhood walks and response plans.
- Formulate policy documents for consideration by neighborhoods and City Council.

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- Coordinate neighborhood walks and departmental response.
- Coordinate activities of internal city staff neighborhood liaisons; meet regularly with liaisons to discuss common concerns, trends, and recommendations, and prepare reports and presentations as appropriate; organize and coordinate meetings between various neighborhoods as appropriate.
- Update relevant web site content and develop enhanced neighborhood communications tools that take advantage of new technology.
- Create and implement a Neighborhood Leadership Academy, designed to provide recognized neighborhood leaders with the skills and information to effectively lead and improve their neighborhood.
- Attend Neighborhood Association meetings.

Knowledge/Skill/Abilities

- Must demonstrate a high level of skill with written and verbal communications including an advanced ability to interact with citizens, customers, and other stakeholders.
- Must be able to assess city and neighborhood conditions and trends, identify core strengths and weaknesses, and develop effective goals, plans and actions for long-term success.
- Must be a good listener.
- Must be accessible and approachable.
- Ability to interpret planning and zoning activities to the general public.
- Ability to effectively communicate City policies and procedures.
- Ability to communicate clearly and concisely, both orally and in writing.
- Ability to facilitate community meetings, neighborhood-developer meetings, and other community forum events.
- Ability to prepare clear and concise administrative reports.
- Knowledge of all posting and publication guidelines.
- Knowledge of group process techniques and meeting management.
- Ability to speak Spanish a plus.
- Advanced ability to use Microsoft Office Suite including Outlook, Word, Excel, Access, and PowerPoint; ability to use other software programs a plus.

QUALIFICATIONS

Education and Experience: Requires a Bachelor's Degree with a minimum of two years of local government experience, or a combination of education and experience may be considered. Master's Degree in Public Administration or City and Regional Planning preferred.



To: Gary Jackson, City Manager
Jeff Richardson, Assistant City Manager

From: Scott Shuford, Planning and Development Director

Subject: Council Goals/Planning Needs Assessment

Date: June 3, 2006

You have asked "what it would take" to address the expectations of Council for enforcement, development review, and long range planning. I have met with the staff most affected in the specific areas to get their ideas. Here is our proposal.

Enforcement

A. Reactive/Complaint-Based Enforcement Program (continuation of current system)

- Option 1 – "Re-engineering option": Maintain existing enforcement staff with transfer of junked vehicle enforcement to Public Works and implementation of Public Works snipe sign removal program (additional employee and vehicle proposed in the enhancement budget). Additionally, a Planning Technician position would be added to coordinate paperwork and track cases. We will also pursue a cross-training program that will establish a career ladder. Total cost (detailed below) is \$65,157.92*. Total benefit of this option: Re-engineering results in the equivalent of 0.75 added FTE for general code enforcement at current service levels (obviously the snipe sign enforcement would be significantly enhanced over current service levels). The Planning Technician position will enable an improvement in efficiency equal to approximately 1/3 FTE for each Zoning Enforcement Officer given the ability to devote that much more time to field operations rather than office time (tracking and reporting will be significantly enhanced above current service levels as well). This is the equivalent of an additional 1.75 Zoning Enforcement Officers or \$84,948.24 PLUS added service levels in snipe sign enforcement and tracking.

Laborer II Position

1. Salary (12 months)	\$17,417.00
2. Benefits (17.45%)	3,039.00
3. Communications Equipment	1,000.00
4. Vehicle	<u>13,000.00</u>
TOTAL	\$34,456.00

Planning and Zoning Technician Position

1. Salary (12 months)	\$26,140.92
2. Benefits (17.45%)	<u>4,561.00</u>
TOTAL	\$30,701.92*

- Option 2 – Enhanced staffing option with no re-engineering: Additional zoning enforcement officer and vehicle plus additional paraprofessional position to coordinate paperwork and track cases. Total cost of Option 2: \$79,243.77*. Total benefit of this option is that it results in the equivalent of two additional Zoning Enforcement Officers (\$97,083.70) PLUS significantly enhanced tracking.

Zoning Enforcement Position

1. Salary (12 months)	\$30,261.85
2. Benefits (17.45%)	5,280.00
3. Vehicle	<u>13,000.00</u>
TOTAL	\$48,541.85*

Planning and Zoning Technician Position

3. Salary (12 months)	\$26,140.92
4. Benefits (17.45%)	<u>4,561.00</u>
TOTAL	\$30,701.92*

- B. Proactive Enforcement Program - Active drive-by and investigative enforcement in addition to complaint-based enforcement.

- Option 1 or 2 above plus two additional Zoning Enforcement Officers.
Total cost ranges from: \$162,241.62 to \$176,327.47

Zoning Enforcement Positions (2 additional)

1. Salary (12 months)	\$60,523.70
2. Benefits (17.45%)	10,560.00
3. Vehicles	<u>26,000.00</u>
TOTAL	\$97,083.70*

Development Review

Re-engineering Option: Maintain existing development review professional staff with the following personnel and process/code changes:

- Implementation of weekly development review meeting where staff from all reviewing departments meet to review and approve plans.

- Adjustments to landscaping and buffering standards to simplify their application.
- Additional paraprofessional position to manage paperwork, track small-scale projects, and coordinate meetings & contacts.

Planning and Zoning Technician Position

1. Salary (12 months)	\$26,140.92
2. Benefits (17.45%)	<u>4,561.00</u>
TOTAL	\$30,701.92*

Note: Other options were not explored as it was deemed wasteful to not re-engineer and experiment with the anticipated time savings of process and code streamlining.

Long-Range Planning

This position was included in the enhancement budget. It will free up time from another Urban Planner for these two positions to equal about 1.25 FTE devoted to long range planning.

Additional Staffing: An additional Urban Planner II with graphic design skills.

Urban Planning II Position

1. Salary (12 months)	\$42,000.00
2. Benefits (17.45%)	<u>7,329.00</u>
TOTAL	\$49,329.00*

* Figures do not include miscellaneous office equipment, i.e., phone, furniture, etc.

Recommendation. These are expensive options and merit placement in order of priority. Given my assessment of Council's desire for more long range planning, I feel the Urban Planner II position is the number one priority. The number two priority is Option A1 under enforcement; this option is the most cost-effective of those listed. The only addition beyond what was proposed in the enhancement budget is the Planning Technician position. Before adding a second Planning Technician position for development review, I would like to see if the proposed Planning Technician position in enforcement can assist both the enforcement and development review staff.

This is about \$135,000 all told for the top two priorities if we throw in computers, office equipment and the career ladder. Council can evaluate the other ideas after reviewing the efficacy of these measures.

Please let me know if you have any questions. Thanks for asking for this information; even if it doesn't result in additional staffing, I now have some process streamlining ideas that came from my discussions with staff.

City of Asheville^D

MISSION STATEMENT

The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.

CORE VALUES

In order to achieve our mission of providing quality service to enhance the quality of life in Asheville, we adhere to the following core values:

Accountability:

By being responsive and responsible to citizens and their elected representatives.

Service:

By treating those whom we serve with respect and dignity.

Honesty:

By providing accurate, truthful, and complete information.

Efficiency:

By constantly striving to use technology and innovation to provide the highest level of service for the lowest possible cost.

Vision:

By looking toward the future with a focus on creating a better Asheville.

Integrity:

By approaching our work honestly, ethically, and with sincerity.

Loyalty:

By diligently promoting and supporting the interests of the community we serve.

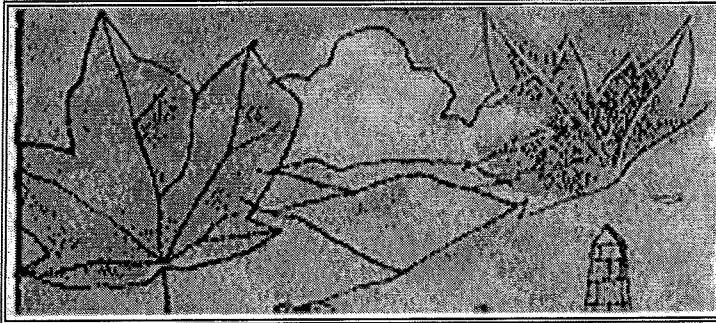
Leadership:

By being a model for quality service and professionalism in our community and throughout the nation.

Equal Opportunity:

By encouraging our diverse population to participate in the government of our city as citizens and employees.

"Our Quality of Service, Your Quality of Life"



City of Asheville

Policies

Administrative Policy Number 54
Ethics Policy
Effective December 1, 2003
Issued by Belinda Odom

Purpose

This policy establishes a code of ethics for employees of the City of Asheville and establishes guidelines for ethical behavior.

Intent

The primary intent of this policy is to provide a clear statement of the City's expectations regarding the ethical conduct of its employees and to give disciplinary consequences for failure to meet ethical standards.

Policy Statement

It is the policy of the City of Asheville that City employees conduct themselves in accordance with the highest ethical standards. Unethical conduct is a form of inappropriate personal conduct and, as such, is subject to disciplinary action, up to and including dismissal (ref: Asheville City Personnel Policies, Art.6, § 59).

Applicability: This policy shall apply to all City employees of the City of Asheville. Ethical conduct shall be expected of our business partners.

Definitions

City Employee: Any individual working for, on a regular or temporary basis, and drawing an hourly wage or salary from the City of Asheville. The term, "City Employee," shall not include volunteers, interns, consultants or professional personnel providing services to the City as independent contractors under a written professional services contract or other similar engagement.

Interest: Any right, title or share in something either personal, financial, legal or equitable, which is owned, held or controlled in whole or in part, directly or indirectly, by a city employee.

Immediate Family Member: Spouse, mother, father, legal guardian, child, sister, brother, grandparent, grandchild, and the various combinations of half, step, in-law and adopted relationship regardless of marital status.

On Duty: When an employee is at the workplace performing job duties, or during any other period of time for which he or she is entitled to receive pay from the City of Asheville.

Off Duty: Any time other than the period of time for which an employee is entitled to receive pay from the City of Asheville.

He, She, His, Her: The pronouns, "he" or "she" and the possessive adjectives, "his" or "her," are used interchangeably in this document and apply equally to both genders.

Policy:

A. WORK PERFORMANCE

Core Principle

Employees are expected to report to work on time and perform the work assigned to them, giving their earnest effort and best thought to the performance of their duties.

Intent

To provide City of Asheville customers with efficient high quality service by ensuring City employees dedicate themselves to the industrious performance of their duties.

Guidelines

While on duty, employees shall:

1. Learn and abide by safety rules and common safety practices.
2. Refrain from engaging in disorderly conduct, horseplay, sexual activity, insubordination, and illegal activities.
3. Exercise the care and attention to their work required by the circumstances.

4. Report to their designated work area at the assigned time, physically and mentally fit to perform their duties.
5. Not abuse City work-time by sleeping during working hours, loafing, loitering, spending unnecessary time away from the job, or otherwise engaging in unproductive behavior.
6. Not abuse leave privileges. Frequent and/or prolonged absences may affect performance, productivity, growth and development in the job, and may adversely affect City or departmental operations.
7. Not let outside employment or activities interfere with responsibilities to the City of Asheville.
8. Dress appropriately. City employees are expected to present themselves in an appropriate manner for the work to be performed and to present a professional and positive image to the public. Individual departments may have other requirements (i.e. wearing uniforms, etc.) necessary to departmental operations with the prior approval of the Human Resource Director and City Manager.
9. Not operate a City vehicle without a valid operator's license or license required for that job.

Example

Situation: It is 3:00 pm Friday afternoon and you have completed all of your assigned work. You have straightened and cleaned your work area and there is really nothing left that you can think of to occupy your time until you get off work at 5:00 pm.

Solution: While on City time, employees are expected to apply their energies to City work. If you run out of assigned work, you should notify your supervisor and ask for additional direction.

B. WORK RELATIONS**Core Principle**

Employees are expected to behave professionally, treating those they encounter in the performance of their duties with respect, dignity and compassion.

Intent

To foster trust and respect among City employees and the public by creating an environment in which citizens and employees feel valued, safe and welcome.

Guidelines

While on duty or on City premises, employees shall:

1. Avoid the use of uncivil, insulting, vile or obscene language.
2. Refrain from acting in an insulting, rude, insolent or uncivil manner towards customers, citizens, co-workers, supervisors and subordinates.
3. Refrain from violence and the threat of violence (ref: City of Asheville Workplace Violence Policy) which may be accomplished through fighting, harassing, threatening, bullying, abusing or attempts to injure others.
4. Refrain from behavior or remarks based on race, creed, color, national origin, political affiliation, religion, age, sex, marital status, sexual orientation, or the presence of a physical, sensory or mental disability resulting in discrimination against any employee, customer or member of the general public.
5. Refrain from any type of harassment (ref: City of Asheville Policies, and State and Federal laws).
6. Refrain from wearing or displaying any written or graphic depiction contrary to City business or that could reasonably be perceived as potentially offensive to customers, co-workers, or citizens. (This includes, but is not limited to, apparel, and displays in City vehicles, City offices, City desks, lockers, etc.)

Example

Situation: You are working in the field and a resident approaches you with a complaint about how he is being treated by the City. You attempt to address his concerns but, despite your calm and professional manner, the resident gets louder and more hostile. The complaint turns personal, as he starts to question your honesty and competence. Passers-by pause to watch what is going on. Your pulse begins to race, and your neck and face starts to flush. You feel yourself getting very angry.

Solution: It is important to manage our emotions and to treat those we encounter in our work with respect and professionalism, even when they are being hostile and disrespectful towards us. Back out of the situation quickly and calmly. Tell the resident that you feel your supervisor could better address his complaints. Contact your supervisor, explain the circumstances and ask her to meet with or communicate with the resident to resolve the situation.

C. OFF-SITE TRAVEL AND TRAINING

Core Principle

When traveling at City expense, employees are expected to represent the City in a professional manner, taking full advantage of the educational and professional opportunities provided.

Intent

To maximize the value of City travel and training dollars, and maintain the City's professional image and

reputation.

Guidelines

While attending off-site training, conferences, or other professional activities at City expense, employees shall:

1. Actively and fully participate in the official event agenda.
2. Refrain from intoxication, drinking and driving, unruly behavior, or any type of behavior that reflects poorly on the City of Asheville and its employees.
3. Honestly evaluate and report fully all travel expenses as outlined in the City's Travel Policy.

Example

Situation: During lunch on the last day of a professional development conference, you run into an old friend from high school you haven't seen in nearly fifteen years. You are just getting reacquainted when it is announced that the afternoon seminars are about to begin. You both have to catch a flight home immediately after the conference. Your friend suggests that you both skip the afternoon program and go to a local coffee shop to catch up and talk about old times.

Solution: When attending a conference or training at City expense, employees are expected to actively and fully participate in event agenda. You should attend the afternoon's scheduled seminars and arrange to meet or talk with your friend at another time.

D. HONESTY

Core Principle

Employees are expected to be honest, forthright and trustworthy.

Intent

To minimize conflict, mistrust and inefficiencies resulting from deceptive, irresponsible or inappropriate sharing of information.

Guidelines

In the context of their employment, employees shall:

1. Be truthful in their communications.
2. Fulfill meaningful commitments.
3. Refrain from falsifying, misrepresenting, misusing or deceptively altering information, fraudulent claims and testimony.

4. Refrain from illegally or inappropriately disclosing information that is confidential, privileged, or otherwise not publicly available.
5. Inform supervisors or management of observed incidences of wrongdoing prejudicial to the City's interests and/or unlawful behavior.
6. Refrain from engaging in any outside employment activities for personal gain while on City time.
7. Refrain from making or publishing false or malicious statements concerning the City, its employees, operations, officials or the public.
8. Refrain from withholding information or refusing to give testimony during an administrative investigation.

Example

Situation: While at the home of a friend and co-worker, you notice a piece of equipment in his garage with the insignia, "Property of the City of Asheville." You ask your friend about it and he replies that the department has had the item for several years and has never used it. He needed to use the equipment for personal purposes, and rather than rent the item from a private vendor, he chose to borrow it from the City for a few days. "After all," he reasons, "it's not as if anyone is going to miss it."

Solution: City employees have a responsibility to report observed instances of wrongdoing. Borrowing City equipment for personal use is not allowed under City policy. You should report what you saw to your supervisor at your earliest opportunity.

E. SPECIAL FAVORS

Core Principle

Employees are expected to serve the public in a fair and impartial manner.

Intent

City employees should not derive special benefit for themselves or others based upon their status as public servants.

Guidelines

City employees shall not:

1. Solicit or accept special favors or privileges from fellow employees acting in their official status.
2. Dispense special favors or privileges to anyone, whether for remuneration or not.

3. Use City property or time for personal financial gain.

Example

Situation: After a big snowstorm, your mother, a City resident, calls to tell you she cannot get out of her driveway. She notices out her window that City trucks are plowing her street. She knows you have a friend who is on the snowplow crew. She asks, "Couldn't you just call him and see if he could make a quick run down my driveway?"

Solution: City employees should not seek to derive special benefit from their status as public servants. It is improper to ask fellow employees for special favors for yourself or anyone else. You should have your mother call a private company or individual to plow her driveway.

F. CONFLICTS OF INTEREST**Core Principle**

Employees shall not engage in any act that is in conflict with, or creates the appearance of conflict with, the performance of their official duties.

Intent

To avoid circumstances in which City employees might be inappropriately influenced or appear to be inappropriately influenced by personal interests in the formulation, administration or implementation of City policies or contracts.

Guidelines

An employee is deemed to have a conflict of interest if the employee:

1. Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service.
2. Solicits, accepts or seeks anything of economic value as a personal gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the city; provided that the prohibition against gifts or favors shall **not** apply to:
 - a. Attendance of an employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;
 - b. An award publicly presented in recognition of public service; or

- c. Any gift which would have been offered or given to the employee if he or she were not a City employee.
3. Participates in his or her capacity as a City employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
4. Influences the City's selection of, or its conduct of business with, a corporation, person or firm having business with the City if the employee has a financial interest in or with the corporation, person or firm.
5. Engages in, accepts private employment from, or renders services for private interest where such employment or services is incompatible with the proper discharge of official duties or would tend to impair or appear to impair independence of judgment or action in the performance of official duties (ref: City of Asheville Personnel Policy, Art. 3, § 28)
6. Appears on behalf of a private person, other than his or herself, or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a party, or accepts a retainer or compensation that is contingent upon a specific action by the City.
7. Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of an official action of the City.
8. Has a financial or personal interest in any legislation coming before the City Council and participates in discussion with or gives official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.
9. Holds, directly or indirectly, for purposes of financial gain, investment or speculation, an interest in real property situated within the City, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the City in regard to the regulation of land use or development; provided, that this prohibition shall not apply to:
 - a. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or
 - b. Any other interest in real property held by the employee prior to the date of adoption of this policy.

Example

Situation: You have been working with a private consultant on a City project for several weeks. In the course of working together, you have developed a friendship. You have a lot in common with each other, not the least of which, you both enjoy college basketball and are big fans of the UNC Tar Heels. One day she mentions that she has tickets to the upcoming sold-out game with Duke, but won't be able to attend. She offers to give them to you. It seems more like a gesture of friendship than a bribe or business perk.

Solution: Regardless of the apparent motivations of a gift, City employees are prohibited from accepting gifts or favors from persons involved in contracts or business transactions with the City. While her intentions may be innocent, there is an appearance of conflict of interest. You should thank her for her kind offer, but explain that you cannot accept the tickets because to do so would violate City policy.

G. PERSONAL RELATIONSHIPS

Core Principle

Employees shall disclose to their supervisor any personal relationships that might pose or appear to pose a conflict of interest.

Intent

To ensure that the organization is made aware of personal relationships that might inappropriately influence or appear to inappropriately influence employees in the execution of their duties.

Guidelines

City employees shall make their supervisors aware of:

1. Personal relationships with co-workers or members of the community with whom the City does business.
2. Relatives who work in the City organization. Nepotism, or favoritism to relatives unfair to other City employees.

Example:

Situation: As an employee who deals with construction permitting, you have a spouse who works for a developer doing business with the City.

Solution: To ensure that your supervisor is aware of this potential conflict of interest, you are required to inform her that your spouse works for the developer.

H. POLITICAL ACTIVITIES

Core Principle

Employees may participate in political and partisan activities of their choosing provided City resources and property are not used and the activity does not adversely affect the performance of their duties.

Intent

To prevent political activities from disrupting the smooth functioning of the workplace and to avoid the public perception of official City endorsement for political candidates or issues.

Guidelines:

1. No City employee who, as part of his or her daily assigned duties meets with and represents the City to the public, shall wear or display any button, badge, sticker, or other device relating to any candidate or ballot issue during working hours.
2. Employees are prohibited from using uniforms or vehicles provided by the City while engaging in political campaign activities.
3. Displaying stickers or other campaigning materials on City owned property or the use of any City facility or equipment (e.g. computers, copiers, fax machines, stationary, envelopes, etc.) or other resources funded with public monies to promote or oppose any political issue or candidate is prohibited.

Example

Situation: You are at work when you hear on the radio that the General Assembly will soon be voting on a bill you strongly oppose. You start to draft an email to your state representative on your office computer expressing your opposition to the bill. Then you have second thoughts.

Solution: While the City respects employees' constitutional right to free expression and encourages participation in the political process, it is ethically inappropriate to use public resources to oppose or promote political issues or candidates. You should not write letters to political leaders using City computers or your City email address unless you are writing on behalf of the City with the express approval of the City Manager.

I. OFF-DUTY CONDUCT**Core Principle**

The City of Asheville generally respects the right of employees to conduct their affairs as they wish in their off-duty time. However, certain activities or conduct occurring outside the workplace can have an adverse impact on City operations. Employees shall avoid activities and conduct that could tarnish the City's image, hurt the City's ability to carry out its mission in the community, or are incompatible with responsible public service.

Intent

To encourage employees to exercise judgment in their off-duty conduct and avoid activities that could embarrass the City, disrupt organizational operations, or reduce the employee's ability to effectively perform his duties. Managers and supervisors of the City of Asheville are expected to conduct themselves in an appropriate manner. These employees are considered leaders in our community and are held to a higher standard.

Guidelines

Whether on or off-duty, employees shall:

1. Cooperate with law enforcement officers as required by law.
2. Refrain from harassing, accosting, or engaging in illegal activity involving City officials or co-workers.
3. Report to supervisor any "Driving While Impaired" (DWI) arrest. Employees may be disciplined up to and including termination for this offense.
4. Refrain from unlawful or inappropriate conduct which affects or tends to affect the individual's ability to carry out his/her job or is prejudicial to the interests of the City.

Example

Situation: It is your birthday and friends and family have come to your home to celebrate. You are barbecuing outside, playing music and having such a great time that you do not realize how late it has gotten . . . that is, until a police officer shows up at the door to inform you need to tone it down. While you are talking with the officer, one of your rowdy guests yells, "Tell him to get the heck out of here! It's your birthday! We'll make as much noise as we want!"

Solution: You should treat the officer with respect and comply with his request to quiet the party. If you fail to cooperate with law enforcement you can face adverse employment consequences *in addition to* civil and criminal penalties.

J. INAPPROPRIATE PERSONAL CONDUCT

Core Principle

Employees are expected to conduct themselves in an ethical and responsible manner, appropriate for the professional position for which the employee was hired. Actions which reflect negatively on the position and/or the City will be subject to disciplinary action up to and including termination.

Intent

To encourage City employees to act appropriately, responsibly, and to uphold City policies while on or off the job. (See personnel policy, article 6, section 59-61)

Guidelines

Whether on or off the job, employees are expected:

1. To conduct themselves in an appropriate manner.
2. To not possess or use any alcoholic beverage or illegal drug while on the job, the worksite, or on City property.
3. To refrain from any deliberate or willful gross negligence in the performance of duty or gross misconduct.
4. To refrain from deliberate destruction or reckless use of City property or the property of others.
5. To refrain from unauthorized use of firearms, explosives or any lethal weapon while on the job, City time, on City premises, or in any way connected with City employment.

Example

Situation: You are a supervisor, you witness an employee on your crew arrive to work and stumble from her vehicle, in uniform across the parking lot. She walks by you and you smell alcohol on her breath. She is one of your best workers, she has not clocked in for her shift yet.

Solution: Supervisors are required to make tough decisions and must set the example for the general workforce. Ask the employee to accompany you to your office. Ask someone else trained in reasonable suspicion to verify your suspicion that the person has been drinking. Follow the procedures outlined in the City's drug and alcohol policy for reasonable suspicion. Even though the employee has not clocked in, she is on City property, in uniform with the intent to start work.

K. PENALTIES

Employees who violate any of the above will be subject to disciplinary action up to and including dismissal. Progressive discipline is used in most cases, however, based on the severity of the offense, the City reserves the right to proceed directly to final written warning, suspension or termination as the individual situation warrants.

Employees are encouraged to direct questions regarding the ethics of specific conduct, actions, or circumstances to their department directors or the Human Resources Director/Assistant Director.